

REMARKS

The Examiner's thorough review of the instant application is noted with appreciation.

Reconsideration of the instant application in view of the foregoing Amendment and following remarks is respectfully requested.

In this Amendment, claims 1, 3, 5 10 and 11 have been amended to more clearly define the claimed invention. Claim 2 has been cancelled without any prejudice and/or disclaimer. New claims 13, 14 and 15 have been added to provide Applicant with the scope of protection to which he is believed entitled. No new matter has been introduced through this Amendment. This Amendment is supported throughout the original application, especially in the drawings.

Drawings:

The Examiner has objected to the drawings. In accordance with the Examiner's kind instructions, Figs. 1 and 2 of the drawings have been labeled as "Prior Art". In addition, Fig. 45 has also been labeled as "Prior Art" since the accompanying text of Fig. 45 states that Fig. 45 is a view illustrating a conventional retaining wall-type reinforced concrete frame system used to construct a bottom between the floors (Description of Drawings, FIG. 45, at page 15 of the specification). Replacement sheet is being submitted herewith for Examiner's review and records. Therefore, objection to the drawings is believed overcome.

Specification:

The Examiner has objected to the disclosure pointing out the spelling mistakes in the "title" of the invention. Accordingly, a new title, solely correcting the typographical error of the previous title is provided herewith. The entry of the same is courteously solicited. Therefore, objection to the specification is believed overcome.

Claim Objections:

The Examiner has objected claims 1 and 5 for lack of antecedent basis for the recitation "side ends". In view of claims 1 and 5 being amended to correct the informalities, objection to claims 1 and 5 is believed overcome.

Claim Rejections- 35 USC § 103(a)

The Examiner has rejected claims 1-3 under 35 USC § 103(a) as being unpatentable over Leblang (US 6,401,417) in view of Olsen et al. (EP 0878590). Further, claim 4 is rejected under 35 USC § 103(a) as being unpatentable over Leblang, Olsen and further in view of Cook (US 4,434,900). Claims 5-8 have been rejected under 35 USC § 103(a) as being unpatentable over Leblang, Olsen and further in view of Lanahan (US 6,167,624). Claim 9 is rejected under 35 USC § 103(a) as being unpatentable over Leblang, Olsen, Lanahan and Cook. Claims 10-11 have been rejected under 35 USC § 103(a) as being unpatentable over Leblang, Olsen, Lanahan and in view of Strausbaugh (US 1,367,438). Claim 12 is rejected under 35 USC § 103(a) as being unpatentable over Leblang and Lanahan.

The Applicant respectfully submits that amended independent claim 1 is patentable over the applied art of record at least because amended claim 1 recites "...a plurality of reinforced members integral thereto ...a portion of the reinforced member of one of the compression cement board and the extension compression cement board extends beyond the respective surface to sealably overlap on the other of compression cement board or the extension compression cement board thereby covering a portion of a junction ... remaining portion of the junction is covered by a plurality of foamed polystyrene..." This feature of amended independent claim 1 is supported in at least Fig. 15 of the drawings and the accompanying text in the specification. The applied references, taken alone or in combination, fail to disclose, teach, or suggest the above-mentioned feature of amended claim 1. For example, in Fig. 3B, Leblang discloses in so far that an angle 104 is used to connect the panels 10B' and 10C'. However, angle 104 of Leblang is not integral to the panels and is used to only connect the two panels 10B' and 10 C' and does

not to provide sealing effect. Further, other applied references simply fail to disclose, teach or suggest the above-mentioned feature of amended claim 1.

Further, the compression cement board reinforced with fiber materials of the claimed embodiment can prevent the risk of a fire, and the compression cement board reinforced with fiber materials has good adhesive capacity with respect to the concrete, and thus is cured together and is firmly bonded when the injected concrete whose principal ingredient is cement is cured. On the contrary, the “wall plate element” of Olsen patent which is made of materials formed by mixing cement and EPS (as described in **EP 0 878 590 A2 57, Col. 1, lines 6-13 and lines 14-24**) reduces the weight thereof and improves the heat insulating capacity thereof by mixing EPS having a light weight therein because the weight thereof increases and the transportation thereof becomes inconvenient when only the cement is used.

Further, to form continued walls by extending the lengths of walls at a construction site, reinforcing bars that are reinforcing materials should be necessarily inserted therein to make the cement or the concrete that is injected when extending and connecting the walls have horizontal strength and vertical strength. However, the disclosure of Olsen is directed to a form panel structure that does not have such reinforcing bars, and has a structure in which most of the cement or the concreted injected therein does not communicate with and is cut off from each other by the “wall plate elements” and the “binding elements.” Therefore, a wall body structure having strong proof stress capacity or proof pressure capacity against the shock given from the outside such as wind pressure, earthquakes, etc. can hardly be obtained.

Further, the form panel system of the claimed embodiment enables a structure in which the concrete and the reinforcing bars of the walls or the wall and the deck layer which is the bottom of an upper story are connected to and communicate with each other, and in the structure of connecting plural compression cement boards, the concrete injected therein is integrally connected along the connected compression cement boards, and thus the proof stress structure of the concrete is formed. However, in the panels of Leblang because most of the concrete in the panels is cut off, a proof stress wall wherein the concrete is integrally connected cannot be constituted. None of the applied references disclose, teach, or suggest the above-mentioned features of the claimed embodiment.

At least in view of the above reasons, withdrawal of the rejection of claim 1 is respectfully requested.

Further, it is respectfully submitted that amended claim 5 is patentable over the applied art of record at least because amended claim 5 recites "...a thickness of at least two side edges of each of the foamed plastic panels is smaller than any other portion of the foamed plastic panel ...". This feature of amended claim 15 is supported in at least page 20 lines 16-17 of the specification (specification downloaded from PAIR). The applied references, taken alone or in combination, simply fail to disclose the above-mentioned feature of claim 5. Therefore, withdrawal of the rejection of claim 5 is respectfully requested. In addition, amended claim 5 recites some of the features similar to the features of claim 1 and hence is believed patentable over the applied art of record at least because of the reasons advanced above with respect to claim 1.

Further, with respect to independent claim 12, it is respectfully submitted that the applied references, Leblang and Lanahan, when taken alone or in combination, fail to disclose, teach or suggest the features of claim 12. For example, the technology suggested by Lanahan only explains a method of manufacturing an assembly type foamed resin panel constituted to be single-faced, and only mentions a well-known use to the effect that the foamed resin panel manufactured in this manner can be used as an insulating material. Although Lanahan explains the method of manufacturing the foamed resin panel, it only mentions that the manufactured foamed resin panel can be used as an insulating material. That is, Lanahan patent does not describe a constitution of obtaining specific effects by arranging the foamed resin panel on a specific position of a form panel. Therefore, withdrawal of the rejection of claim 12 is respectfully requested.

Further, all the dependent claims, depending from amended independent claims 1 or 5, or independent claim 12 are believed patentable based on their dependency on the independent claims 1, 5 and 12 and further in view of the reasons advanced above with respect to patentability of independent claims.

Patentability of new claims:

New claims 13 and 14 depend directly or indirectly from amended claim 1 and hence are believed patentable over the applied art of record at least for the reasons advanced above with respect to amended claim 1. Further, claim 15 is dependent from claim 12 and hence is patentable over the applied art of record at least for the reasons advanced above with respect to claim 12.

Conclusion:

Each of the Examiner's rejections has been traversed/overcome. Accordingly, Applicant respectfully submits that all claims are now in condition for allowance. Early notice of allowance is courteously solicited. The Examiner is invited to telephone the undersigned, Applicant's attorney of record, to facilitate advancement of the present application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

LOWE HAUPTMAN HAM & BERNER, LLP

/Yoon S Ham/

Yoon S. Ham

Registration No. 45,307

Customer Number: 22429
1700 Diagonal Road, Suite 300
Alexandria, Virginia 22314
(703) 684-1111
(703) 518-5499 Facsimile
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